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FEARED DEPORTATION

Soviet Law

To the Editor of the

"NORTH-CHINA DAILY NEWS"

SIR,—In reply to INTERESTED, whose letter appeared in your paper on the 13th inst., under the heading: "Feared Deportation" "White Russian's Arrest," I wish to state the following:

In the Soviet Criminal Code there is (or at least there was in 1927 when I for the last time saw that code) an article stating that anyone having left U.S.S.R. without special permission is to be exiled from that country forever. In case of his returning to the U.S.S.R. he is to be subjected to his "supreme penalty," which terms is used by the Code instead of saying "Is to be shot." It is further stated in the article, if I remember correctly, that a special permission to return may be granted by the authorities of the U.S.S.R. In such case the returning man may be exempted from that "supreme penalty."

I happen to know a case of a White Russian who had applied for and received that special permission to return. Soon after he was arrested by the G.P.U. and after a few months in the gaol was executed. He was not even given the fairness of an open trial in the court, but his case

was simply dealt with by the Collegium of the G.P.U.—as is mostly done with political offenders.

If Vladimir Moskvitin would be deported to the U.S.S.R. it could be done only after the authorities of that country would agree to admit him, but they would agree only with the same intention as it was in the case of the White Russian who was executed. In the case of Moskvitin the matter is still more aggravated by the fact that his trying to deface the emblem on the doors of the Soviet Consulate is undoubtedly a very grave political offence against the country to which he would be deported, and the result for him would be death, even if the article referred to above has been in the meantime cancelled.

In ordering the deportation of Moskvitin, the Second Branch of the Kiangsu High Court was evidently influenced by the fact that Moskvitin had committed the same offence twice, and that he is the third man trying to deface the Soviet emblem. Were it possible to deport Moskvitin to any country other than U.S.S.R., everything "would be in order," using the expression of INTERESTED, but Moskvitin does not belong to any country, and it is very likely that no country will accept him. In that case it is the duty of Russian organizations of Shanghai to respectfully draw the attention of the authorities concerned to the fact that deportation of Moskvitin to U.S.S.R. would be equivalent to indirectly inflicting death for an offence for which, according to Art. 118, Chapter III of the Criminal Code of the Republic of China, the highest penalty is one year of imprisonment.

I am not entitled to speak on behalf of any of the Russian organizations, but I hope they will not shirk their responsibility. As to myself, I am prepared to appear in the court as a witness, if necessary, and after being duly sworn, to state to the Court the reasons of my belief that deportation to the U.S.S.R. would be equivalent for Moskvitin to a death verdict. Russian organizations competent to handle this case are being simultaneously advised of my preparedness to assist them.

Witness.

Shanghai, Apr. 15.

FILE
JBR

7/4

WHITE RUSSIAN TO BE DEPORTED

Young Man Who Defaced Soviet Emblem

For the first time since the treaty between China and the U.S.S.R. was signed, a Russian emigrant in Shanghai is to be deported, as a result of a judgment delivered by the Second Branch of the Kiangsu High Court. Vladimir Moskeitin, 24-year old White Russian artist, was sentenced by the Court to eight months' imprisonment, followed by deportation. Court officials when interviewed yesterday were unable to state where he would be deported to, but indications are that Moskeitin will be sent either to Harbin or to the U.S.S.R.

According to the prosecution, at the beginning of the year Moskeitin was living alone in Wayside, and while passing the Soviet Consulate on his way to the French Concession one day, he damaged the emblem on the door. He was arrested, and detained at the Hongkew Police Station.

Judgment was given in his case yesterday, sentence being passed in accordance with Article 118 of the Penal Code of the Republic of China. Enquiries at the Soviet Consulate yesterday revealed that although a number of White Russians were deported to Vladivostok for various offences prior to 1925, none have been deported since the signing of the treaty between China and Soviet Russia.

Handwritten signature or initials.

*D.S.C. - me + possibly.
DBR 874.*

157-24
S. B. REGISTRY
S. B. D. 7432
Date 25 36

THE CHINA PRESS, SATURDAY, JULY 25, 1936

Russian Fined For Insulting Soviet Emblem

Unable To Pay, Is
Ordered To Serve
Out Time

Vladimir Moskvitin, unemployed Russian, was sentenced to four months' imprisonment by the 2nd Kiangsu High Court yesterday morning where he was convicted of "insulting a friendly foreign power" by throwing mud on the "foreign power's" emblem.

The foreign power in this case was the U.S.S.R. Moskvitin threw stones and mud at the emblem over the Soviet Consulate-general doorway at 12.15 a.m., June 9, according to the prosecution, thereby landing himself behind bars. The man was brought before the First Special District Court on the following day and charged with causing malicious damage but the Soviet protested the charge whereupon the man was handed over to the 2nd Kiangsu High Court for trial on charges of having committed a political offense.

Moskvitin admitted that he threw a stone at the emblem but denied the mud slinging. He said it was raining at the time and that undoubtedly there was some mud about, but that he threw none of it. Further, he declared that he had not intended to hit the emblem with the stone he threw. He said he aimed at the door but that his shot went wild.

The prosecution produced pictures taken of the emblem. Several patches of mud were shown in the photographs and Moskvitin was asked to explain them. He declared

that somebody else must have thrown the mud.

He declared that the reason he threw the stone was because he happened to be passing the Soviet Consulate-general on Whangpo Road yesterday and upon looking at the emblem he happened to see it.

The court then asked him how he had been able to see the emblem if he was not looking at it. He said he had been looking at it and that he had thrown the stone at it.

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THE CHINA PRESS, SATURDAY, JULY 18, 1936

Russian Tells Reason For Throwing Rocks At Consulate

Vladimir Moskvitin, Russian, told the 2nd Kiangsu High Court yesterday morning the reason he threw a stone at the Soviet Consulate-General early on the morning of June 9. The man is being tried under Article 118 of the Chinese Criminal Code on a charge of insulting a friendly foreign power and causing malicious damage.

He explained that he happened to be passing the consulate on Whangpoo Road and that just looking at the building reminded him of what he claimed to be his sufferings at the hands of the Soviets.

The more he thought about the days of the revolution in Russia, he declared, the more tempted he became to throw something at the Consulate. Finally, he picked up a stone and hurled it at the consulate door. The stone hit the U.S.S.R. emblem above the door.

He declared that he didn't mean to hit the emblem. He aimed at the door, he said, but the stone went wild. He also was alleged to have thrown some mud at the emblem but this he denied. He admitted that it was raining at the time but added that he threw no mud.

He was shown pictures taken of the emblem after the incident and they showed two or three splotches of mud. At this, the accused man declared that if mud had been thrown, it must have been someone else who did the throwing. The case was remanded on week for judgment.

File
J.R.

Extract of Proceedings in S. S. D. Court for 20-6-36 19 F. I. R. No. 1222/36 Stn. No. 1386

Reg. No. 7/42802

Stn. Hongkew

Procurator ...

Judge Tsoong.

Sheet No.

FURTHER CHARGE

Insult to a Foreign State contrary to Art. 118 of the C.C.C.
For that he, at 12.15a.m. on 9-6-36, did offer insult to a friendly foreign state to wit:- The U.S.S. Republic, by soiling with mud the National Emblem affixed to the door of the Embassy at No. 20 Whangpoo Road.

Compt:- U.S.S.R. Rep:- Mr. G.M. Kraslavsky.

KIANGSU 2ND BRANCH HIGH COURT A.M.

Mr. Kum appeared for the S.M. Council.

Proceedings.

Mr. Kum:- The accused is charged under Article 118 of the C.C.C. for committing an insult to a foreign state. At 12.15 A.M. on the 9-6-36, the accused throw a piece of stone (produced) at the national emblem of the U.S.S. Republic affixed to the door of the Embassy at No. 20 Whangpoo Road. F.P.S. Barton was then on duty in the vicinity and a ricksha coolie informed him that a foreigner had throw a stone at the premises of the U.S.S.R. Consulate. On receipt of this information, the policeman immediately proceeded to the scene and arrested the accused. The piece of stone was picked up on the door step of the building. It was raining and the stone was wet and muddy. The place was soon visited by both foreign and Chinese detectives and on an examination being made, it was subsequently discovered that the national emblem had been soiled with mud. The emblem is made in the CENTRE of an iron frame-work, immediately inside which is a pane of glass. Both the frame-work and the glass were likewise spotted with mud. The glass was however not broken and the accused was consequently charged with attempting to cause Malicious damage, contrary to Article 385(B) of the C.C.C. As the U.S.S.R. Consulate are of the opinion that the accused has also committed an act of insult to their state and demand that he be charged under Art. 118 of the

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SHR
MKA
Embassy
25/6/36

Extract of Proceedings in S. S. D. Court for

19 F. I. R. No.

Stn. No.

Reg. No.

Stn.

Procurator

Judge

Sheet No.

C.C.C., a further charge is according made out against him. Whilst in the custody of the Police, the accused denied being a member of any political party, and stated that he was unemployed and very much against the U.S.S.R. Government, and that therefore he threw the stone.

(Mr. Kum's evidence was then interpreted to the accused).

Judge to accused:-

Q. Did you throw the stone at the premises of the U.S.S.R. Consulate at No. 20 Whangpoo Road, at 12.15a.m. on 9-6-36?

A. I did.

Q. Is this the very stone used by you?

A. Yes.

Q. Was there any damage done to the national emblem of U.S.S.R?

A. No. I did not even break the pane of glass.

Q. Are you a "White Russian"?

A. Yes.

Q. Do you hate and oppose the U.S.S.R. Government?

A. I dislike it. It has rendered me poverty.

Q. Did you intend to break the emblem?

A. No. It was raining at the time. I was walking alone on the road ~~without~~, not knowing how to obtain my food and clothing to support myself. Thinking that all my distress had been caused by the U.S.S.R. Government, I picked up the stone and threw it against the building without any particular object. I believe that it even did not reach the building at all.

Q. There were some similar offences committed before. Are the culprits your accomplices?

A. No.

Q. Were you convicted before?

A. No.

Q. Have you any relatives at Shanghai?

Reg. No.

Stn.

Procurator

Judge

Sheet No.

A. A brother, who is employed as a watchman.

Judge to Mr. Kum:-

Q. Did the accused lodge an appeal against the decision of the Lower Court?

A. No.

F.P.S. Barton:- At 12.15a.m. on the 9th inst., I was on patrol duty on Whangpoo Rd near the Garden Bridge, when a ricksha coolie came and informed me that an unknown foreigner had thrown a stone at the building of the U.S.S.R. Consulate. I went there and picked up the stone on the door step. I also found some mud on the door. I then went around the vicinity and saw the accused standing on the road. On being questioned, he could not give me a satisfactory answer. I therefore arrested and brought him to the Station. On the way he confessed to having thrown the stone.

Q. What was accused's object, to break the door or the emblem?

A. He Presumably, he threw it at the emblem, which was also spoiled with mud.

(F.P.S.'s Barton's evidence was interpreted to the accused).

Judge to accused:-

Q. The policeman stated that the emblem was spoiled with mud?

A. This is incorrect. Even so is it, how it can be proved that I had thrown the stone at it. It is quite possible that some other persons had spoiled it. Your Honour can see that the stone does not bear much mud.

Mr. Kum:- The door of the U.S.S.R. Consulate is comparatively larger, and the glass occupies one third of it. Immediately in front of the glass is an iron frame-work, in the centre of which is the national emblem. On examination being made, both the glass and the emblem were found to be spoiled with mud. It is therefore quite apparent that the

Extract of Proceedings in S. S. D. Court for

19 F. I. R. No.

Stn. No.

Reg. No.

Stn.

Procurator

Judge

Sheet No.

accused aimed at the emblem.

Judge to accused:- This case will be remanded.

Accused:- I would like to know the date.

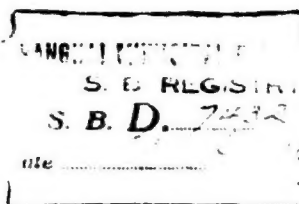
Judge to accused:- There is no date fixed yet.

Decision

CCLO

Accused to be detained for trial pending production of file.

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**MOSKVITIN CHARGED WITH
INSULTING FOREIGN STATE**

An additional charge of offering insult to a friendly foreign state was specified in the Settlement Chinese court yesterday against Vladimir Moskvitin, a White Russian, who was arrested on June 9 by Hongkew police on the charge of attempting to cause malicious damage to the local U.S.S.R. Consulate-General, 20 Whangpoo Road, by throwing a stone at the premises. The additional charge was preferred on the ground that the prisoner did soil with mud the national emblem affixed to the door of the Soviet embassy. The First District Court ruled that, insofar as the additional charge was concerned, only the Second High Court was competent to hear the case, so it ordered the accused to be transferred to the said High Court for trial. The High Court then ordered the accused to be detained, pending the production of the files. The accused had admitted having thrown a stone at the local Soviet Consulate-General, as he was dissatisfied with the Soviet Government.

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***Russian Youth To
Face Charges Of
Stoning Consulate***

Vladimir Maskovitch, age 22, Russian, who threw three stones at the Soviet Consulate-General shortly after the noon hour on June 6, was handed over yesterday morning by the First Special District Court to the 2nd Kiangsu High Court where he must stand trial on insulting a friendly foreign power. The man was charged in the lower court with causing malicious damage by throwing both mud and stones at the consulate.

Maskovitch declared yesterday that he had thrown no mud at the Soviet Consulate but admitting throwing stones at the building. He would give no reason for his action and the case was adjourned for another week.

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202-C
SHANGHAI MUNICIPAL POLICE.

Section 2, Special Branch, *Sub*
REPORT

Date June 19, 1936.

File No. 7432
S. I. REGISTRY

Subject V.P. Moskvitin, Russian arrested for attacking the local Soviet
Consulate.

Made by D.S. Tcherevshansky Forwarded by *L. S. I. Logun*

Vladimir Petrovitch Moskvitin is a Russian who was born on May 27, 1914, at Blagoveschensk, Amur Province, Siberia. He left Russia for Manchuria in 1922 together with his parents and resided in Harbin where he attended a local primary school. His father, who prior to the revolution in Russia was a Chief Forester in the Amur Cossacks region, disappeared from Harbin after a few years' residence in that city, and it is believed that he committed suicide.

Upon leaving the school Moskvitin was employed in a haberdashery store for some time and in 1927 attended a ballet-school in Harbin for four months, after which he became a professional ballet dancer. He worked in this capacity in various cabarets in Harbin for several months, after which he was unemployed and resided with his mother who at that time was the common law wife of one I.I. Travnikoff, ex-officer, and an employee of the Harbin Police.

Towards the end of 1928 Moskvitin joined Bulatoff's Ballet Company, which he visited Mukden, Tientsin and Peiping.

On August 5, 1931 he arrived in Shanghai. Here he worked in his professional capacity in various cabarets and later also visited Dairen, Hangchow, Hankow, Wusieh, Nanking and Soochow. For the past several months he worked at the St. Georges. Continental Cabaret, Ningpo Road, and from May 4 to May 6 at the Cafe de Paris, Rue Brenier de Montmorand, after which he has been unemployed.

He keeps some of his belongings at Apt. 13, No. 505 Route Vallon, a boarding-house owned by Mrs. Streltsova, where he resided from March 15 until June 1, after which he has been without a fixed abode. He still owes \$12. to Mrs. Streltsova

FILE
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SHANGHAI MUNICIPAL POLICE.

File No.

REPORT

Station,

Date 19

Subject

Made by Forwarded by

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for lodging.

Moskvitin was a member of the 3rd (Volunteer) Company of the Russian Regiment, S.V.C., from 28.11.32 till 12.6.36, when he was dismissed in connection with his arrest. He stated that for a few months in 1932 he was a member of the "Union of Monarchist Youth" in Shanghai (the organization does not exist at present) and that since that time he did not belong to any political group. He also stated that he was not instigated by any persons to commit the offence but that he did it under a sudden impulse, when, being without a fixed abode and feeling miserable, he saw the Soviet Consulate and thought that the Soviet regime ~~is~~ to blame for his sufferings. It is reported that Moskvitin is inclined to dissipated, Bohemian mode of living. Although he is known as an anti-Bolshevik, he does not seem to be interested in politics very much.

Moskvitin has three brothers, one of whom resides in Harbin together with his mother, and one is employed as a railway guard at Huhai Railway, Manchoukuo. The third brother, Nicolay P. Moskvitin, is in Shanghai and is employed as a watchman at the Broadway Mansions.

Copy sent to Gen. Sec.
H'Kew. 20.8.1936.

J. Chermshansky.
D. S.

Officer i/c Special Branch.

Copy for 8th Special Branch.

SHANGHAI MUNICIPAL POLICE

CRIME DIARY.

Crime Register No. **1222/36.**

Hongkew Division.
Police Station.
9/6/36.

Diary Number 1.	(Sheet No. 1.)	Nature of Offence:— Malicious damage.
Time at which investigation begun and concluded each day	12.30 am 2 am. 9/6/36.	Places visited in course of investigation each day.
		Scene of offence. Detective office.

RECORD OF INVESTIGATION.

Place or description of premises.	No. 20 Whangpoo Road. (U.S.S.R. Consulate).
Time and date of offence.	About 12.15 am, 9/6/36.
" " " reported.	12.30 am, 9/6/36.
Name, occupation and address of complainant.	S.M.P.
Number of criminals with full individual description.	One male Russian, arrested. Vladimir Moskvitin, S/Un Russian, 22, residing 505 Route Vallon. F.C.
Arrests.	One (UB).
Classification of property stolen.	Value \$
Classification of property recovered.	Value \$
In cases of Murder or Suspected Murder points (a) to (d) should be answered. (a) Time and date body was discovered. (b) Position, appearance and marks on body. (c) Apparent cause of death. (d) Motive if known.	
Full Details of Method used in Committing offence. In cases of larceny, housebreaking etc., all the points (a) to (i) should be answered, if known. In all cases in which there is fraud, the false pretence and the character assumed by the suspect should be fully described. (e) Mode of entry, including manner of approach to premises. (f) Means used (tools etc.) (g) Character assumed by criminal, and story told, etc. (h) Mode of transport and description. (i) Peculiar act (poisoning dog, partaking of food etc.)	The above described accused threw a stone at the Soviet emblem on the window of the U.S.S.R. Consulate. No damage done, arrest effected by P.S. Barton. Accused admits his intent to either smash the emblem of a window.

CRIME DIARY NO. 1. (SHEET NO. 2)

- (j) What staff employed on premises?
(k) Are they all "old" servants?
(l) If not, what was their last employment and for how long?
(m) What was their "character"?
(n) If any suspicion attached to any of them and if so, which one and for what reason?
(o) Are old servants suspected?
(p) Are friends and visitors above suspicion if not, who is suspected?

Remarks

(Any outstanding or peculiar feature to be commented on by investigating officer).

At 12.50 am, 9/6/36, F.P.S. 157 Barton brought to the station the accused described on Sheet 1, whom he had arrested on the Garden Bridge, he (P.S. Barton) having been informed by a person in the vicinity that the accused had thrown a stone at the windows of the U.S.S.R. Consulate, No. 20 Whangpoo Road.

The accused, questioned by the undersigned and F.S. Federoff, admitted that at about 12.15 am, 9/6/36, he had passed the U.S.S.R. Consulate, and that out of hatred to U.S.S.R. Officials, he had then thrown a small stone at the Consulate windows.

He had picked the stone up from the roadway on N. Szechuan Rd. a few minutes previously.

A visit was paid to the scene, and it found that the stone thrown by the accused had passed through the iron framework of the Soviet emblem, and had hit the window behind same, there being the mark of mud, with which the stone was covered, on the window.

The stone throw by the accused was found underneath the window by P.S. Barton, the window itself, however, being undamaged.

The accused denies having been instigated to commit the offence by any other person, and states that he does not belong to any political party.

Owing to the late hour, no person inside the U.S.S.R. Consulate could be located.

The accused has been charged under Art. 388 (3) of the CCRC, ^{Yurlov} appearing before the S.S.D. Court on the 9/6/36, when a remand will be requested, to enable further enquiries to be made.

J.R.
9/6

D.L.O. "C".

Whangpoo
Sen Det 1/c. 9/6.

O.I/c. S.S.

Shangpoo
S.S. 144

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THE CHINA PRESS, WEDNESDAY, JUNE 10, 1936

Russian Youth Admits Stoning Consulate

Because he threw a stone at the Soviet Consulate-General shortly after midnight yesterday, Vladimir Moskvitin, age 22, Russian, was brought before the First Special District Court yesterday morning and charged with maliciously causing damage to the consulate.

The man admitted in court that he had thrown the stone and would have thrown another had he not been apprehended by a constable. He was trying to break a window, he declared, and having missed with his first shot, was all ready to try again. The case was remanded until June 16.

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THE NORTH-CHINA DAILY NEWS, WEDNESDAY, JUNE 10, 1936

**STONE THROWN AT SOVIET
CONSULATE-GENERAL**

Accused of attempting to cause malicious damage to the premises of the local Soviet Consulate-General, 20 Whangpoo Road, Vladimir Moskvitin, aged 22, was arraigned before the First Special District Court yesterday and remanded for one week. The accused, at 12.30 a.m. yesterday, hurled a stone at the Consulate window. F. S. 157 in the vicinity of the Garden Bridge was informed and he found the stone below the door step, but the window was not broken. The accused admitted the offence and said he intended to damage the Soviet emblem because he was not satisfied with the Soviet Government.